

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONNA JOHNSON and
TOM JOHNSON,

Plaintiffs,

VS

KDI OMAHA, LP; a Nebraska
Limited partnership; EATON
HYDRAULICS, INC., a Nebraska
Corporation,

Defendants.

8:05CV145

MEMORANDUM AND ORDER

Sean Johnston filed a motion to intervene in this matter (filing 18). Magistrate Judge Piester denied the motion to intervene (filing 21). This matter is before the court on Judge Piester's order (filing 21), the appeal from the order (filing 29) and the brief in support of the appeal (filing 25), filed as allowed by 28 U.S.C. § 636 (b) (1) (A) and NELR 72.3.

The court has conducted, pursuant to 28 U.S.C. 636 (b) (1) (A) and NELR 72.3, a review¹ of the portions of the order to which objections have been made and finds that the objection to the order should be denied for the reason that the Magistrate Judge's order was not clearly erroneous or contrary to law.

¹To the extent the appropriate standard of review is de novo, I have conducted a de novo review.

IT IS ORDERED that Johnston's appeal from the Magistrate Judge's order (filing 29) is denied and the Magistrate Judge's order (filing 21) shall not be disturbed and is hereby sustained.

July 27, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge